

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION**

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** NOBUYOSHI ASANUMA,  
YUTAKA NISHI AND  
TAKASHI NISHIMORI

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Appeal No. 96-0586  
Application 07/950,081<sup>1</sup>

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HEARD: December 12, 1997

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Before BARRETT, LEE and CARMICHAEL, **Administrative Patent Judges.**

CARMICHAEL, **Administrative Patent Judge.**

**DECISION ON APPEAL**

This is appeal from the final rejection of Claims 1-20,  
which constitute all the claims remaining in the application.

We reverse.

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<sup>1</sup> Application for patent filed September 23, 1992.

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Claim 1 reads as follows:

1. A motor vehicle steering system for use on a motor vehicle, comprising:

a steering wheel;

means for determining a steering rate of said steering wheel;

at least one road wheel steerable by said steering wheel;

a steering actuator connected to said steering wheel for turning the steering wheel;

sensor means for detecting a motor vehicle behavior induced by a disturbance applied to the motor vehicle; and

control means for determining a control signal at least based on the motor vehicle behavior detected by said sensor means and for applying said control signal to said steering actuator to turn said steering wheel in a direction to suppress the motor vehicle behavior, said control signal including a control component serving to damp said steering rate, determined by said steering rate determinating means, in a predetermined manner.

The Examiner's Answer cites the following prior art:

Ito et al. (Ito)	4,830,127	May 16, 1989
Sano et al. (Sano)	4,984,646	Jan. 15, 1991

#### **OPINION**

Claims 1-20 stand rejected under 35 U.S.C. § 103 as unpatentable over Ito. Claims 1,2,6,7, 9-12, 14, and 15 stand rejected under 35 U.S.C. § 102 as anticipated by Sano. Claims 4, 5, 7, 8, 12, 13, and 16 stand rejected under 35 U.S.C. § 103 as unpatentable over Ito and Sano.

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All the rejections depend on the examiner's interpretation of Claim 1 as encompassing steering wheel damping/assisting devices such as Ito and Sano. **Examiner's Answer** at page 4, line 22, through page 5, line 1 and at page 18, lines 3-5; and **Examiner's Supplemental Answer** at page 3, lines 10-20. According to Appellants, the claims are limited to devices which positively actuate a steering wheel even when the driver is not turning or gripping the wheel. **Appeal Brief** at page 8, line 29 through page 9, line 6 and at page 10, lines 6-13; and **Reply Brief** at page 3, lines 5-21 and at page 10, line 10 through page 11, line 8. We agree with Appellants.

Claims undergoing examination are given their broadest reasonable interpretation consistent with the specification, and limitations appearing in the specification are not to be read into the claims. **In re Etter**, 756 F.2d 852, 858, 225 USPQ 1, 5 (Fed. Cir. 1985) (**in banc**).

The examiner's interpretation is not reasonable because steering wheel damping/assisting devices cannot be considered steering actuators which "turn said steering wheel in a direction to suppress the motor vehicle behavior" as required by the claims. Instead, such devices merely damp or assist a **driver's** turning of the steering wheel.

Moreover, the examiner's interpretation is not consistent with the Specification. The Specification describes an automatic steering reactive force that turns the steering wheel. When Appellants' actuator turns the steering wheel in a direction to suppress the motor vehicle behavior, it is not necessary for a driver to grip the steering wheel. Specification at page 13, line 26, through page 14, line 17.

The teachings and suggestions of the cited references, individually and in combination, are limited to steering wheel damping/assisting devices that damp or assist steering actuation by a driver manually turning the steering wheel. Both references are directed to the manner in which a steering wheel reacts to the hands of a driver turning it. See, for example, Ito at Column 2, lines 8-11, and Sano at Column 6, lines 43-47. There is no teaching or suggestion in the cited prior art of the claimed steering system which applies a control signal to a steering actuator to turn the steering wheel in a direction to suppress the detected motor vehicle behavior caused by a disturbance. Therefore, the rejections are not sustained.

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***CONCLUSION***

The rejections of Claims 1-20 are not sustained.

***REVERSED***

LEE E. BARRETT	)	
Administrative Patent Judge	)	
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	)	
	)	
JAMESON LEE	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
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	)	
JAMES T. CARMICHAEL	)	
Administrative Patent Judge	)	

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